has, of late, certainly not been its crying fault, and we sincerely trust that those concessions will not be made to the Fillibustering speeches of the American Senate, and the impotent clamour of the American people, which were refused to official representations and diplomatic arguments.

MEDICAL LEGISLATION.

Many of the Institutions of our country, intended to preserve order, have simply obstructed progress; and Corporations, formed for the purpose of accomplishing almost Utopian good, have become the embodiment of much that is almost incredibly bad. Thus, giant evils have arisen, to defy the advancing armies of reform, and of such giant evils the existing state of medical legislation affords us a striking example. Year after year it has stalked in the front of conservative hosts, and has challenged to single combat the foremost and the bravest of opposing ranks. One or two heroes, more daring than the rest, have ventured to accept the challenge, and have found that their well-aimed blows have fallen harmlessly upon the giant's massive armour; but as yet no youth has come forward to discover the vulnerable point with sling and stone.

The genius of commandership does not appear to exist among the chieftains of assault; and such is the system of promotion, even in the armies of reform, that it is questionable whether they would allow the boy to use his pebbles from the brook. It is well known that, whether it be by man or boy, the giant must be slain; but none having either the daring or the power to strike an effectual blow, the army has quietly sat down, as it has often done before, to discuss the mode of slaughter. Learned opinions have been taken, and it has been thought that the vitality of the giant was of such kind that, although

> "the times have been
> That when the brains were out the man would die,
> And there an end,"

yet that *he* would rise again "with twenty mortal murders" on his crown, and push them from their stools. That, in fact, it would be of no avail to attempt the slaughter of the monster by any ordinary means, but that he must be cut up piecemeal, and limb by limb be distributed to the dogs of destruction. It has been suggested, at one time, to lop off one arm; at another, to put out one eye, and so maim the creature, that it should die a lingering and most dishonoured death. But, as yet, none of these acts of heroism and humanity have been performed; and there stands the giant evil, huge and unseemly as it was in years gone by, vainly boasting of its time-honoured power, but not vainly opposing the progress of reform.

The source of those evils which at present exist must be found, as it appears to us, in the divided interests of those who compose the medical profession, and in the existence of distinct classes of practitioners, separated from each other, not merely by the habitual direction of their efforts, but by their possession of distinct rights in virtue of certain legally granted licences. The simple object of the existence of the medical profession being that a certain class of men

right of free ingress and egress, and permission to engage in any speculation, any enterprise, any undertaking, not violating its own municipal law, or imperilling its amicable relations with other powers. It also allows foreigners to enter its territory, converse with its subjects, and suggest to them such speculations or undertakings; and the exercise of this privilege is therefore "an exception to the complete jurisdiction of the nation, traced up to the consent of the nation itself," and therefore legitimate.

A constant shifting of the ground of complaint betrays a suspicion of the weakness of one's cause; and in Mr. Marcy's case the miserable quagmire in which he finds himself ultimately fixed, fully justifies such suspicion, and may, perhaps, induce him to consider the dictum of one of America's ablest judges, that "we must administer the laws as they exist, without straining them to reach public mischiefs which they were never designed to remedy."

The conduct of the United States, in these negotiations, has been neither dignified nor honourable. Choosing the moment when this country was compelled to strain every nerve in the contest with the great despot of the North, the tyrant of the West flung all her weight into the opposite scale, and brought forward pretensions and charges unjust and unreasonable. Amicable settlement was offered, the practices objected to were withdrawn, and regret displayed to an extent almost amounting to apology. But America is not satisfied: "reparation for the past, security against the future," is the cry of her warlike secretary, and to America satisfactory reparation means nothing less than the humiliation of England. But England was never less inclined to submit to humiliation. She has just come out of her late struggle, sorely tried indeed, but splendidly triumphant. She had long been sleeping; she had long been pressed down by the dead weight of an incompetent and ill-arranged administration, and stifled in the dusty purlieus of "Circumlocution House;" she had become hopelessly entangled in the labyrinths of red-tapeism, when war broke forth—a war that shook the world—and, like the forlorn princesses of enchanters' tales, England awoke. She woke to find that she had slept for ages, to find that the world had been advancing all around her, and she, alone, had all this time stood still, —to find that while others had *lived*, she had *existed*. But she made the essay, and she also found that her strength had not forsaken her; —she looked back and she saw that even with energies misdirected, and resources misapplied, she had done great things, and she rightly judged that those energies rightly pointed, and those resources carefully husbanded, might do anything. One universal cry throughout her shores announced that her sons had learnt they had been trifled with, and that shout was the death-knell to incompetency of her monopoly of political power. The result is, that England, willing to receive the blessings of peace, prepared to renew the struggle of war, is enabled to hold her lofty position without being blustering on the one hand, or servile on the other.

In the American matters, we entirely sympathize with the views, and approve of the proceedings of our own Government. Too pertinacious an adherence to its rights, too punctilious an assertion of its dignity,

should devote their time to the study of the human body in health and disease, and that they should employ the knowledge they have acquired in alleviating the sufferings of others,—the simple objects of a legal licence being, that there should be a guarantee to the public that the incompetent shall not undertake duties for which they are unprepared, and an assurance to the competent man that he shall have some means of demanding a just recompence for his work,—it seems passing strange that such complicated machinery as that which the present state of medical legislation enforces, should be employed.

It may be well to remind some of our readers of the varied powers which different medical institutions have granted to them in England alone. If any of them is aspiring to the rank of a medical practitioner, it may be well for him to know that there are no less than eight different licences among which he is free to make his choice. There is the licence of the Society of Apothecaries, which grants the power to practise medicine, midwifery, and pharmacy; there is the diploma of the Royal College of Surgeons, which authorizes its possessor to practise surgery; and there is the additional licence of the same college to practise midwifery; there is the diploma of the Royal College of Physicians, which not only confers upon its owner "liberam facultatem et licentiam tam docendi quam exercendi scientiam et artem medicam," but which bestows upon him the honour of a superlatively 'ornate' character, couched in classic phrase; yet, so different are the conditions of human life within and beyond a circuit of seven miles from Charing Cross, that there are not only separate diplomas, but distinct examiners and examinations for the physicians who venture within, and those who remain without that charmed circle. There are, lastly, the Universities of Oxford, Cambridge, and London, which severally grant a licence to practise medicine, but not within the seven miles radius of the Royal College of Physicians.

Practically, the medical profession is divided into three classes:—1st. The physicians, who possess, or ought to possess, if resident in London, the licence of the College of Physicians, and who generally have the further "qualification" of one or more University Degrees. Those who are non-resident in London, are legally qualified, if they have obtained either the Bachelor of Medicine's degree, with the licence to practise medicine, from one of the English Universities, or who have the extra-licence of the College of Physicians. 2nd. The Surgeons, who are Members or Fellows of the College of Surgeons; and, 3rdly. The large body of general practitioners, who are commonly Members of the College of Surgeons, Licentiates of the Society of Apothecaries, and many of whom have also some University Diploma.

It has been, and still is, the custom of many, forming this group, to compound and make charges for their drugs, thus combining the trade of Pharmacy with the practice of the Medical Profession. This combination is happily becoming less frequent every year, the evils which it has inflicted being apparent to the public, now generally recognizing that a minimum of necessary medicine is preferable to a just tolerable maximum of physic,—and also to the profession, whose members have more satisfaction in receiving payment for their

advice, than in making a large profit upon useless, and often worse than useless, drugs.

The above groups appear to be naturally formed, or to flow out of the requirements of society. It is necessary that there should be a large class of medical practitioners who should attend to the thousand *minor* "ills that flesh is heir to;" and who, from the full occupation of their time, must be left somewhat behindhand by science, if it make great advances. It is necessary that there should be another class, of more limited number, content to labour in the pursuit of truth, and in the discovery of new means for the diagnosis and treatment of disease; and who, waiting longer for their patients, having fewer of them, and receiving proportionably larger fees, shall give the benefit of their knowledge, not only in "consultation" with their brethren, but by the publication of such results as their investigations may produce. It is also necessary that there should be a third class, whose special attention and practice should be directed to the performance of those more complicated surgical operations which require the educated hand and eye of the accomplished surgeon.

But these groups will form themselves naturally, and need no compulsion from without. The Fellowship of the College of Surgeons no more enables F.R.C.S. to amputate a leg, than does the Fellowship of the College of Physicians enable F.R.C.P. to distinguish between pleurisy and bronchitis. The diploma from a university does not make M.D.'s opinion worth four times as much as L.S.A.'s; the public will judge of their respective value, and each man will find his proper place. There must be distinctions prevalent in practice; but who is to discover the exact points through which the lines of demarcation are to be drawn? Has not the physician sometimes been compelled to take the lancet or the trocar from the surgeon's hand? How many of our surgeons are there who constantly practise medicine? Is the practice of the physician accoucheur, medical or surgical? Do not the surgeons of London prescribe for neuralgia and dyspepsia as often as they use their scalpels? Where are the so-called "pures"? It is evident that although the medical profession must be, and will be, practically separated into groups, yet that these groups impinge upon one another, and cannot be separated by any thoroughly inclusive and exclusive lines.

But our medical legislation proceeds upon the supposition that such lines can be drawn, and forthwith it draws them in defiance of all rational consideration of the human body and its requirements. What is needed is a certain test that every individual entering upon the practice of the profession should be duly qualified for the performance of his duties; and the surgeon who is ignorant of all medicine is unqualified for his office, and the physician who is ignorant of all surgery is unfit for his.

The two great divisions of medical and surgical practice are subdivided, and there is Dr. This, who is learned in auscultation, and Dr. That, who knows nothing about it, but is an adept in all disorders of the liver; and, further, there is Mr. Scalpel, who can "take off" a leg while Mr. Timid Operator (notwithstanding the value of his opinion) would be thinking of it with trembling hands; there is Mr. Forceps, who can extract a tooth so artistically that it is quite a

treat to submit to his operation; and there is old Mr. Key, who would deliberately break his patient's jawbone rather than be overcome by any obstinate resistance. The practical distinctions between many individuals practising either medicine or surgery are as deeply marked as are the distinctions between the surgeon and the physician. Occasionally the public makes great mistakes, and Dr. That, who uses the stethoscope at the wrong end, is consulted upon an obscure case of chest disease, or Mr. Heavy Hand is called upon to use some instrument which he is no more qualified to use than a hippopotamus; but these mistakes do not often occur; and the public generally finds out, sooner or later, where application is to be made most satisfactorily for all its several woes; and it can manage to do this without any formal announcement by special diplomas of special qualifications. But the existence of such diplomas would differ in degree, rather than in kind of absurdity, from those which are at present recognized. It is no more necessary to have the separate licences which are now granted than it is, or would be, to license one man to practise upon diseases of the liver, another in diseases of the brain, and a third in diseases of the prostate gland.

We make this proposition with regard to the diplomas of licensing bodies, not with regard to University degrees or honours. The latter might remain, as, in fact, they are, optional, and should be considered fairly by those who conduct the licensing examination. There is something absurd in the University graduate, who has passed some sixteen or twenty days of examination in medicine, surgery, midwifery, and the collateral sciences of a medical education, being subjected to further examination at the College of Physicians, or to an hour's *viva voce* interrogation at the College of Surgeons. In order to accomplish the ends proposed by the granting of a legal licence, we do not see that there need be more than *one* examining body, whose object it should be to discover whether a candidate presenting himself for the licence is competent to practise his profession, and to make this discovery by the investigation of his previous course of study and particular University position, if he have any, and if not, by the careful examination of the individual, in regard of both his scientific acquirements, and his ability to put those acquirements into practice.

But such a proposition is at once confronted with the giant opposition of existing institutions: institutions, probably, very necessary in times that are past, but which now struggle to maintain their vitality, simply because they have some remnant of it left; which, under the exterior semblance of order, conceal disorder; defeat the purpose for which they were framed, and which oppose the true progress of science they were intended not only to protect, but to advance.

We have been led to make these remarks at the present time in consequence of the general interest which has been felt in Mr. Headlam's Medical Bill, now referred to a select committee of the House of Commons. That Bill, if carried into law, would accomplish certain good results of a minor character, and one worthy of a better name; viz., the adoption of one Pharmacopœia for the United Kingdom. But it leaves the main source of complaint untouched, and would inflict injustice upon many who have already obtained the licences of

different Universities; but more than this, it sets the seal of authority by registration, upon the different and contending interests by which the medical profession is now divided. Upon these grounds we should urge its opposition by those who are interested in the real progress of medical legislation, inasmuch as it is an attempt, and, as we think, not very successful one, to maim the giants that oppose the true advance of reform, rather than a well-directed blow which should accomplish their destruction.

Surely the time has passed for the maintenance of these artificial distinctions in a profession whose object is the well-being of humanity, whose knowledge is so trifling compared with the infinitude unknown, whose power is so limited in its conflict with the sufferings of man, and whose true advancement can only be attained by the hearty and intelligent combination of all who are engaged in the several departments of its widely extended field.

THE LEGEND OF DOZMARE POOL:

OR,

"YOWLING LUST AIN LIKE A JANY TREGEAGLE."—*Old Cornish Poem.*

In one of the wildest and most secluded parts of Cornwall, landlocked by giant hills, there lies a little lake, wrapt in impenetrable gloom, and honoured—so saith tradition—by the nightly visits of fiends and evil spirits.

It is of no great size, just what the Yankee "reckoned to be, a remote notion of water," and may be, even the north-country man would hardly call it anything more than a cattle-pond; with us, however, in the west, it not only ranks among our lakes, but is also connected, by legend links, with the old days of Cornish history.

Its waters reflect the dim shadows of dark, shaggy hills, besprinkled with rough masses of granite, and clothed with a short, useless herbage; a light misty fog is ever drifting about the neighbourhood, and it rolls up the hill-side only when the rising sun throws an adventurous beam into the haunted valley, and falls again, in the course of the day, re-wrapping the lake in its mantle of shadow.

From this place, as far as the eye can reach, no objects are to be discerned but the same gloomy "tors" (hills), rising abruptly from a dull sweep of moorland, relieved here and there by the white mining-house, or the copper-cart bearing, to the next town, the load of ore, whose abundance forms the only redeeming feature, as the practical men of the day would say, of this dreary stretch of country.

Upon these unpromising spots—the lake yclept Dozmare Pool, and the tors Bron Gilly and Rough Tor—tradition has pitched as the favourite haunts of one of the Cornish Giants, Tregeagle by name; who only differed from his brethren, in that he was infinitely crueler, and preferred a chubby baby, instead of the famous "hasty pudding," the nightly supper of the victim of the "Giant-killer."

It is very probable that Giant Tregeagle lived about the same time that the valiant "Jack," renowned in farthing literature, was lay-

ing man-traps for the Cornish Titans, and releasing fair ladies from mysterious castles, wherein they had been strung up, like so many pounds of sausages, by very unfair monsters, in invisible armour, and with unlimited supplies of oaken cudgels.

By-the-by, as a curiosity of history, it may be told, that as lately as the civil wars, "Anthone Payne, a giante seven feet highe," carried a halberd, which we ourselves have seen, before the loyal and brave-hearted Sir Beville Granville; how he came to live in such modern times we know not; excepting that it is possible that one of his giant rivals conveyed him swiftly through two or three centuries, just as we poor mortals *talk* of knocking one of our fellows "into the middle of next week;" let this remain a mystery; certes! Anthone Payne lived in A.D. 1600, by mistake, perhaps. Giant Tregeagle is said to have held revels with spirits from another world, concocted potions from some infernal alchemist's receipts; nay more, it was rumoured that he walked and conferred with the arch-fiend himself!

All night long, in the lulls of the wild, melancholy wind, the passing wayfarer reported that he heard clashings, as of granite stones, hurled one against another, and in the morning the rocks were discovered in "confusion worse confounded," whence it was supposed that the giant and his unearthly visitors amused themselves by playing quoits with the masses of granite, and rolling them up the tors for need of something *worse* to do.

So matters stood, in the same mysterious secrecy, when a company of pilgrims, rather merry than devout, crossed the Tamar river, on their way to St. Michael's Mount, which, in times still more remote, had been honoured by the footsteps of the archangel, and had, ever since, been held in saintly esteem, but had, to return to the opinions of our practical friend, gone back a stage in its onward march; "advanced one step backward," as an old Cornish major used to say (after dinner), when drilling his men; for now no longer the Phoenician galley-men dropped their sails, and lay on their oars, waiting for the ore to be brought over to the mount in exchange for the silks and sweets of "Araby the Blest." We are totally unable to number these worthy pilgrims, or tell their names; they were, with very few exceptions, a right jolly set, going to shrive their sins at the Mount of St. Michael, and take a holiday in what a quaint historian has called the "Rocky Land."

Two or three there were among them (over holy as the others considered them) who were ever telling their beads and reproving the wild courses of their fellows.

There was Father Amboise, from Canterbury, famous for his humility and the excess of his self-flagellations; and John, a monk from Croyland Abbey, of the noisy sort, ever reproving, but never —before other's eyes—practising; this however, was attributed to excessive fear of being "seen of men;" these two ecclesiastics "ruled the roast;" and kept about them a group of minor stars, who were most anxious to curry favour with the two holy men, and, at the same time, to take a morsel ever and anon of the world-wisdom of the greater number.

The second evening since the pilgrim band had crossed the border, they approached the regions wherein sported Tregeagle and his fellows,

and the moon rising, found them camped on the open moors, under Bron Gilly.

As was somewhat excusable, considering their wild and cold situation, the pilgrims found (as they had found before), that their chilly beds needed warm occupants, to keep up the valuable souls contained therein, and so speedily decided, that it was almost impossible to sleep on an empty stomach.

The sack and mulled wines went round at a very tolerable pace, and when the votaries of Bacchus and St. Michael stumbled to their beds, they were, for the most part, in that dubious condition, that is not able to decide whether 'tis yesterday night or to-morrow-morning.

As became a well-behaved Christian, Father Amboise sat up to ward off danger from the sinful camp by his prayers, and fell asleep, calmly dreaming rather of his beads than his bottle. When he awoke, the cold moon was shining on his face, and a voice was ringing in his ears; he sat up on his straw, a proof this of his piety, and listened———

"Oh, only a pack of poor Christians, going west, *they* need'nt interrupt our meeting."

"By no means, I rather patronize these pilgrimages; if they do me no good, they do me, at least, no harm; and, indeed, it is my opinion that they play into my hands rather than God's."

"Well," said the gruff voice the Father had first heard, "well, but as to the object of our meeting, perhaps, your majesty, we had better to business."

"Cannot you wait a few hours, Tregeagle; the seven years will be short enough even if they begun to-morrow, eh?"

"Oh, certainly," answered Tregeagle, for it was the giant; "but 'tis cold waiting for a poor giant, like I am; I should have thought, too," he added, slyly, "I should have thought your majesty *had* been in a warmer position!"

"Seven years, then, and after that you are mine, body and soul; you understand!"

"And ——?" ventured Tregeagle.

"And—a palace, where Dozmare now lies, to be reared to-morrow morning, attendants from my world, all the pleasures of this life: I know the agreement well enough, having made it with others besides Giant Tregeagle since the world was created!"

These last words were said half in reverie, and Father Amboise heard no more.

"John," he whispered eagerly, shaking the sleeping monk, whose last night's harangue had, may be, required a little warm wine to sustain poor life; "John!"

"Well, are they not all gone to sleep; why stirrest thou an honest monk? Is not sleep from God himself? didst never take the book of Genesis in thine hand, and read ——?"

And, lo! the worthy ecclesiastic would have wandered into another oration if Father Amboise had not roused him thoroughly by a rather impatient lash from the penance-whip beside him; this, however, thoroughly roused him, and he sat up and listened to the father's